

ESTTA Tracking number: **ESTTA5582**

Filing date: **02/11/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: **Sterilex Corporation, The**

Application Serial Number: **76486898**

Application Filing Date: **01/31/2003**

Mark: **STERILEX**

Date of Publication **10/14/2003**

**60 Day Request for Extension of Time to Oppose Upon Extraordinary
Circumstances**

Pursuant to 37 C.F.R. Section 2.102, Sterilox Technologies, Inc., Heston Hall/Carriage House, Suite 201, 1790 Yardley-Langhorne Road, Yardley, PA 10967, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Applicant, The Sterilex Corporation, is the owner of a series of applications and registrations for the STERILEX mark, including: Registration Nos. 1813311 and 2785874, and Application Nos. 76/488196, 76/458,360, 76/458,361 and 76/486,898. Of these trademark filings, Application No. 76/488,196 has only recently been published for opposition on February 3, 2004. Potential Opposer, owner of the mark STERILOX for similar and related goods has been threatened with infringement claims by Applicant. Potential Opposer is now giving consideration to a broad-based initiative to oppose or seek to cancel all or a significant portion of Applicant's series of STERILEX marks. Thus, the issue facing Potential Opposer is not only whether it will oppose the specific application in question, but the extent to which it will seek to oppose or cancel all of Applicant's various STERILEX filings. This review presents complex issues beyond the mere issue of whether the instant application should be opposed, and further requires an extensive investigation of Applicant and its business activities, which Potential Opposer is engaging in but has not yet completed. The extraordinary circumstances here are that Applicant has numerous applications

and registrations that are under review by Potential Opposer, as opposed to the typical case where a simple evaluation is made as to whether to oppose a single application.

The time within which to file a notice of opposition is set to expire on 02/11/2004. Sterilox Technologies, Inc. respectfully requests that the time period within which to file an opposition be extended until 04/11/2004.

Respectfully submitted,

/Elisheva Jasie/ 02/11/2004

Elisheva M. Jasie

Torys LLP

237 Park Avenue

New York, NY 10017

UNITED STATES

ejasie@torys.com

212-880-6283